THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2099 OF 2006

DATED:3.2.2006

Between:

K. Nanaji and another

…Petitioners

And

The Commissioner of Prohibition and Excise

A.P., Hyderabad and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2099 OF 2006

ORDER:

The petitioners are partners of M/s.Vinayaka Geetha Bar and Restaurant. They obtained licence in Form IL-17 (Bar) on 1.10.2003 after remitting licence fee of Rs.6,65,000/- for the period from 1.10.2003 to 31.3.2004. The first respondent herein withdrew the licence under Section 32 of the A.P.Excise Act, 1968 in the interest of public and tranquility and accordingly A.P. Beverages Corporation Limited stopped supply of liquor to the petitioners' Bar. After the petitioners submitted explanation, the Commissioner restored the licence on 28.4.2004. In view of this, the petitioners could not operate the Bar for the period from 30.10.2003 to 28.4.2004. Therefore, they made a representation on 1.7.2004 and 8.9.2004 to the first respondent requesting to adjust the proportionate licence fee for the said period in future

instalments. After considering the same, first respondent by proceedings dt.21.9.2004 directed the second respondent to adjust the proportionate licence fee from 20.10.2003 to 28.4.2004 in future instalments of licence fee. The same was not done. Therefore, petitioners filed the instant Writ Petition seeking a direction to second respondent to implement the orders of first respondent.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Excise, this Court is of considered opinion that the proceedings of the first respondent are clear and no further clarification is required. The second respondent being subordinate to the first respondent is bound to implement the orders of the first respondent unless they were withdrawn before filing of the Writ Petition.

The Writ Petition with the above observations is accordingly disposed of.

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3.2.2006 (V.V.S.RAO, J)

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